K

1946.

File No. Mil K II/46

Legal Department

B BRANCH

Subject:— Orders ~~relating~~ regarding milk under the Defence of India Rules.

P. 8 E

File No. Mil K II/46

Gen. 194 e.

109-B

ORDER.

In pursuance of the provisions contained in clause 5 of the Kaira Cream (Control of Manufacture) Order, 194 , the District Magistrate, Kaira, hereby authorises the following officers appointed for the Kaira District for the purposes of the said clause, namely:-

(1) District Supply Officer, Kaira.

(2) Mamlatdars of and above the rank of Mamlatdar Inspector.

(3) Price Inspectors.

(4) Excise and Police officers of and above the rank of Sub-Inspector.

(5) Special Police officers of and above the rank of Sub-Inspector.

(6) Revenue officers of and above the rank of Aval Karkun.

Dated

District Magistrate, Kaira.

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A revised draft Order is sent herewith.

2. In the revised dr-aft "is defined as meaning cream manufactured from buffalo's or cow's milk. Since it is not intended to give to the word "cream" any special meaning, it is not necessary to define it i n the manner suggested by .F.D.(Supply). F.D.(S) clause 6 corresponds to revised clause 8. In the revised clause power is given to the D.M. or any officer authorised by him to inspect the stocks of milk etc. on the lines of clauses in similar orders. A draft notification to be issued by the D.M. authorising the officers in question for the purpose of inspecting the stocks of milk etc. is also sent herewith. F.D.(Supply) should verify, if the draft Order as revised carries out its intention.

Sd/-S.L.Chaudhary
21-1

FOR Remembrancer of Legal Affairs.

U.R. to F.D.(Supply). No. 570, dated 22nd January 1946.

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Bombay Castle, February 1946.

ORDER

Defence of India Rules

No. In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules and of all other powers enabling it in this behalf, the Government of Bombay is pleased to amend the Order issued in Government Notification in the Finance Department (Supply) No. 57(8) /IV-C(a), dated the 15th November 1945, as follows, namely:-

To clause 1 of the said Order, the following proviso shall be added, namely:-

"Provided that it shall not be necessary a for the holder of a valid food grains ration card , not being a temporary foodgrains ration card or a supplementary foodgrains ration card for a manual labourer, issued under the Bombay Rationing Order, 1943, on which such holder is shown as the head of a family, to obtain such permit for obtaining supplies of skim kk milk powder in quantities not exceeding 4 lbs during a month and not more than four times during the said period.

(Here enter publicity clause).

By order of the Governor of Bombay.

Secretary to Government.

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It is understood that it is intended to issue authorisations under clause 10(a) of Government Order, Finance Department (Supply) No. 57(G)/IV-C(a), dated the 15th November 1945 to sell skim milk powder; that holders of foodgrains ration cards who are shown as heads of families should not be required to obtain permits under sub-clause (b) of that clause and that sub-clause (c) should not be relaxed. A revised draft Order is accordingly sent herewith. Finance Department (Supply) should verify whether the revised draft is in accordance with its intention.

P.N.Moos
9-2-46

Remembrancer of Legal Affairs.

U.R. to F.D.(Supply) No. 1126, dated the 9th Feb. 1946.

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Finance Department (Supply).
Bombay Castle. 1946.

ORDER.

Defence of India Rules.

No. ;- In exercise of the powers conferred by sub-rule (3) of rule 81 of the Defence of India Rules, the Government of Bombay is pleased to amend the Order published in Government Notification in the Finance Department (Supply), No. 57(8)/IV, dated the 5th June 1944, as follows, namely:-

In the Schedule appended to the said Order, for items (3) and (4), the following shall be substituted, namely:-

"(3) Curds) but not including the article
) prepared from any of them and
(4) Buttermilk) commonly known as 'lassi' or
'piyush".

With reference to sub-rule (1) of rule 119 of the Defence of India Rules, the Government of Bombay is pleased to direct that notice of the above order should be given by -

(a) publication of the same in the Bombay Government Gazette; and

(b) issue of a press note explaining its provisions.

By order of the Governor of Bombay.

Secretary to Government.

S.A.K.
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Office of the R.L.A.

A revised draft order is sent herewith.

2. Even if a new name is gi en to the preparation now known as 'lassi ' or 'piyush' it will not be exempted from the operation of the order so long as it contains the same ingredients out of which 'lassi' or 'piyush' e is formed.

Sd/-P.N.Moos
29-3-46

Remembrancer of Legal Affairs.

U.R. to F.D.(Supply), No. 2446, dated the 30th March 1946.

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Office of the R.L.A.

Even though the licenses in the form of letters shown at pages 96-102 ante were issued to 249 canteens, in fact it was not obligatory on persons in charge of such canteens to obtain such licenses under Government Notification, Finance Department (Supply) No. 57(G)/IV-C , dated the 25th January 1945, before it was amended by G.N., F.D.(Supply) No. MC/M/190, dated the 29th December 1945. It is however obligatory on such persons to obtain such licenses after 29th December 1945. Since the licenses already issued have no legal force it is not necessary to cancel them. The persons in charge of the canteens may now be informed that they should apply for licenses under the Order No. 57(G) IV-C, dated the 25th January 1945, as amended by Order No. MC/M/190, dated the 29th January 1945. Fresh licenses can then be issue to them under the revised order.

2. A consolidated form of license in respect of fresh or tinned milk is sent herewith. If the license for the use of tinned milk is not required the relevant portion should be omitted from the license.

3. The following remarks are made with reference to each form of license at pages 106 to 112 ante.

Form I at page 106 - The last condition of the license permitting the licensee to hold stock of tinned milk & upto one month's requirements cannot be legally imposed in a license under the Order since the order does not prohibit the holding of stocks of tinned milk beyond a certain limit. If there is any other Order which prohibits holding of stocks of tinned milk, a lincese may be issued under that Order. It may be pointed out in this connection that under sub-clause (a) of clause (2) of the Goverament Order referred to a person is prohibitied also from obtaining cow's or buffalo's milk (including tinned milk) except under a license. The Civil Supplies Department will no doubt consider the question of granting licenses for this purpose.

Form II at page 108 - As the use of skim milk powder is permitted by the proviso to the Order referred to above, no license is needed for such use. The reference to the skim milk powder has therefore been omitted from the consolidated draft license sent herewith.

Form IV at page 112 - The supply of tinned milk has been prohibited under the Order referred to except under a license granted thereunder.

The form of license at page 112 should therefore refer also to the tinned milk in addition to the cow's or buffalo's milk so as to cover the action of supplying tinned milk to canteens to which use of suck milk is permitted. The revised draft form of license provides for this

Sd/-F.N.Moos
17-4-46

Remembrancer of Legal Affairs.

U.R. to C.S.Deppt. , No. 2927. dated the 17th April 1946.

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Para 2 of M.C's note at page 123.

It is legally feasible to incorporate in the license form at page 126 a provision permitting a licensee to keep or store daily specified such quantities of cow's or buffalo's milk (including tinned milk). The draft licence at page 126 ante has been amended accordingly. As regards the question whether it is possible to indicate in the same license the maximum quantity of tinned milk which could be stored for a month. it appears that such a condition cannot be incorporated therein . Under the draft license at page 126 the licensee is not permitted to keep or store on any day tinned milk in excess of the quantities he is authorised to obtain and keep or store. In view of this condition it would not be possible to permit him to keep or store any quantity for a month which may be in excess of the quantity he is authorised to keep or store per day for such permission would conflict with that condition. If, however, the intention is to allow the licensee to obtain and keep or store per month a specified quantity of tinned milk o it would be better to grant him a separate license for the purpose. A draft of such license is sent to the C.S.D. foe its comidieration.

Sd/-P.N.Moos
20-7-46

Remembrancer of Legal Affairs.

U.R. to C.S.D.No. 5283, dated the 27th July 1946.

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